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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ramon PENA-Martinez,

Defendant

Magistrate Docket No. 07 NOV 7 AM 10:00 07 MS 2614

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF:

BY

DEPUTY

Title 8, U.S.C., Section 1326

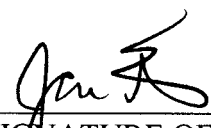
Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **November 5, 2007** within the Southern District of California, defendant, **Ramon PENA-Martinez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.


And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 \_\_\_\_\_  
 SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF NOVEMBER, 2007

  
 \_\_\_\_\_  
 Cathy A. Bencivengo  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Ramon PENA-Martinez****PROBABLE CAUSE STATEMENT**

On November 5, 2007, Supervisory Border Patrol Agent L. Miele was performing his assigned duties in the Campo Border Patrol Station area of operations. At approximately 12:30 p.m., Agent Miele encountered six individuals walking north near the intersection of Highway 94 and Church Road. This area is located approximately eighteen miles east and six miles north of the Tecate, California Port of Entry. At the time of the encounter, Agent Miele identified himself as a United States Border Patrol Agent and questioned the five individuals as to their citizenship, including one individual later identified as the defendant **Ramon PENA-Martinez**. All five individuals admitted to being citizens and nationals of Mexico illegally present in the United States. All five were arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **May 31, 2005** via **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.